

NINTH JUDICIAL CIRCUIT OF VIRGINIA

DOMESTIC RELATIONS TRIAL FORMS

Equitable Distribution

Spousal Support

Contested Custody/Visitation

REVISED FEBRUARY 5, 2013

NINTH JUDICIAL CIRCUIT OF VIRGINIA

DOMESTIC RELATIONS TRIAL MANUAL

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PENDENTE LITE SUPPORT HEARINGS NINTH JUDICIAL CIRCUIT

In an effort to assist the Court and counsel and to expedite *pendente lite* hearings, the Court has adopted the following instructions and forms that are applicable to each divorce case in which *pendente lite* support hearings are scheduled.

- A. The Court will expect, where possible, that both parties bring with them to *pendente lite* hearings appropriate documentation supporting the amount of present income which they claim is earned by either or both of the parties (e.g., pay stubs, W-2 forms, monthly profit/loss statements, etc.). If a party claims that the current income of one of the parties should be determined by averaging income earned over a number of months, documentation should be produced, where possible, for each of those months and an accounting of the calculations involved should accompany those documents.
- B. A current income/expense statement shall be prepared for each party who intends to introduce such a statement at the hearing. The Court requires that the attached expense form be used for those who intend to introduce such evidence.
- C. Counsel for each party is to be responsible for bringing to the hearing a completed Ninth Circuit Pendente Lite Guidelines Worksheet, and model *pendente lite* order as printed completed with the statistical information peculiar to this case. The Court applies the Ninth Circuit support formula including child support, spousal support and family debt adjustment for *pendente lite* purposes with a deviation for good cause shown by clear and convincing evidence. The child support portion shall utilize the applicable regular, shared custody or split custody guideline. If the parties reach an accord and desire to have a consent order entered, the model order shall also be implemented.
- D. All documents shall be exchanged between counsel at the earliest possible time, but no later than **five (5) business days** before the hearing, with copies to the Court. **Facsimile copies are acceptable.**
- E. After the hearing, counsel will be required to complete the model *pendente lite* order as printed in conformity with the Court's orders, endorse it appropriately and leave the completed order with the Judge's staff or forward it to the court as soon as possible, but no later than 30 days. By leave of court, an alternate order form may be used.
- F. If payroll deduction is applicable for support payments, the Income Withholding Order provided by the Supreme Court is to be used.

CONTESTED CUSTODY/VISITATION HEARINGS

- A. Prior to considering contested custody or visitation matters, the Court will require an **order of referral to a parent education seminar**, an order providing for mediation, and, if mediation is unsuccessful, then home studies and parental evaluations. In all contested custody or visitation hearings, except for emergency hearings, the parties are to complete the best interests of the child proffer, exchange it at least **five (5) days** prior to the hearing, and provide a copy to the Court. **Facsimile copies are acceptable by the Court.**

- B. If an emergency exists where the family members are in danger, the Court will consider scheduling an emergency hearing without the requirements set forth above. However, the moving party, or his or her counsel, shall file with the court a motion accompanied by an affidavit under oath stating the facts which establish the emergency. The moving party, or his or her counsel, shall also write a letter to the presiding judge which provides any additional information concerning the basis for the Motion or the relief sought. If the motion is granted, copies of a Notice, the Motion, the Affidavit and the letter shall be served upon the adverse party no later than five (5) days prior to the hearing. Depending upon the circumstances and the ruling of the Court, the adverse party will be provided reasonable accommodations if he or she requests a rehearing of the Court's decision.

ORE TENUS EQUITABLE DISTRIBUTION HEARINGS NINTH JUDICIAL CIRCUIT

The Court is willing to make an effort to hear equitable distribution matters *ore terms* if the parties comply with the following:

1. A pre-hearing conference is to be scheduled with the Court. Each of the parties is to complete the appropriate forms. Each party will be bound by the information contained in his or her completed forms. For simplicity and continuity, the Court requires that the attached forms be used rather than similar forms. It is important that the parties calculate the totals of the estate and share request where provided on the forms.
2. The parties are to exchange the completed forms, with copies to the Court, no later than seven (7) days before the pre-hearing conference. **Facsimile copies are acceptable.** After reviewing the Defendant's forms, the Plaintiff's counsel, shall prepare a "universal inventory" or an alternative document which identifies the contested issues between the parties. Said document shall be forwarded to the Court and Defendant's counsel no later than two (2) days before the pre-hearing conference.
3. The parties and counsel are to be present for the pre-hearing conference and be prepared to discuss and refine the issues.
4. At the conclusion of the pre-hearing conference, the Court will determine whether to hear or refer the matter to a Commissioner in Chancery for determination of equitable distribution. An *ore tenus* equitable distribution hearing will be a maximum of three hours unless more time is granted by the Court. Counsel and the parties shall bring their calendars to the pre-hearing conference.

The transcripts of any Depositions shall be submitted to the Court at least five (5) days in advance of the Equitable Distribution hearing.

PERMANENT SPOUSAL SUPPORT

After equitable distribution, if a hearing is required for the award of permanent spousal support, the parties shall complete the pertinent Section 20-107.1 proffer and current income and expense statement and exchange the same between the parties and provide copies to the Court at least five (5) days before the hearing. **The transcripts of any Depositions shall be submitted to the Court at least five (5) days in advance of the Permanent Spousal Support hearing.**

BEST INTERESTS OF THE CHILD
IN DETERMINING CUSTODY AND/OR VISITATION
Va. Code § 20-124.3

Proffer of

Mother/Father/Other

vs. _____

Civil No. _____

Date: _____

PURSUANT TO VIRGINIA CODE § 20-124.3, DESCRIBE:

1. Age and physical and mental condition of the child, including the child's changing development needs.

Mother/Father/Other

2. Age and physical and mental condition of each parent:

Mother:

Father:

3. Relationship existing between each parent and child; due considerations to:

a) positive involvement in child's life

Mother:

Father:

Mother/Father/Other

- b) ability to accurately assess and meet the emotional, intellectual and physical needs of child

Mother:

Father:

- 4. Needs of child, giving due consideration to other important relationships of the child including

- a) siblings

- b) peers

- c) extended family

Mother/Father/Other

5. a) Role which each parent has played in the upbringing and care of the child

Mother:

Father:

- b) Role which each parent will play in the future in the upbringing and care of the child

Mother:

Father:

Mother/Father/Other

6. a) Propensity of each parent to actively support the child's contact and relationship with other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child:

Mother:

Father:

- b) Relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with child

Mother:

Father:

Mother/Father/Other

- c) ability of each parent to cooperate in and resolve disputes regarding matters affecting the child

Mother:

Father:

7. The reasonable preference of the child, if Court determines the child to be

- a) of reasonable intelligence
- b) understanding
- c) age
- d) experience

in order to express such a preference

8. Any history of family abuse as that term is defined in § 16.1-228 or sexual abuse.

Mother/Father/Other

9. Other factors necessary and proper:

10. a) If you have custody, what visitation do you think is fair and in the best interests of the child?

b) If you have do not custody, what visitation do you think is fair and in the best interests of the child?

Mother/Father/Other

STATE OF VIRGINIA

CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this ____ day of

_____, _____. My commission expires: _____.

Notary Public

Civil No. _____ v. _____
 Date _____
 Monthly Income and Expenses of _____

Employed by _____	Children in Household
City & State _____	Name _____ D.O.B. _____
Occupation _____	_____
Pay Period _____	_____
Next Payday _____	_____
Annual Salary _____	_____
# Exemptions _____	_____

Household Expenses

Mortgage (PITI) or Rent _____
 Real Estate Property Taxes _____
 Personal Property Tax _____
 Homeowner's Insurance _____
 Repairs/Maintenance _____
 Furniture/Furnishings _____
 Electricity _____
 Gas/Heating Oil _____
 Water/Sewer _____
 Telephone _____
 Trash Collection _____
 Cable TV _____
 Groceries _____
 Meals Out _____
 Automobile Expenses _____
 Automobile Payment _____
 Gasoline _____
 Auto Repair/Maintenance _____
 Auto Insurance _____
 Tags/Inspection, etc. _____
 Clothing _____
 New (excluding children) _____
 Cleaning/Laundry _____
 Uniforms _____
 Miscellaneous _____
 Medical/Health Care _____
 Dental Expenses _____
 Dues - Professional/Social Associations _____
 - Homeowner's Association _____
 Gifts (Christmas, Birthday) _____
 Church/Charity _____
 Entertainment/Hobbies _____
 Vacations _____
 Personal Grooming _____
 Newspapers/Publications _____
 Other Insurance _____
 Other: _____

Average GROSS PAY PER MONTH _____
 LESS: Income Taxes - Federal _____
 State _____
 Medicare/FICA _____
 Health Insurance _____
 Life Insurance _____
 Required Retirement _____
 Average MONTHLY NET PAY _____
 Pendente Lite Spousal Support _____
 Other Income _____
 Child Support _____
 MONTHLY NET INCOME _____

LIQUID ASSETS ON HAND

Cash/Checking/Savings _____
 Other Liquid Assets _____
 TOTAL LIQUID ASSETS _____

I certify that the income stated above is correct.

State of Virginia; City/County of _____

Subscribed and sworn to before me this ____ day of _____

Notary Public

Children Expenses

Child care _____
 School Tuition _____
 Lunch Money _____
 School Supplies _____
 Lessons/Sports _____
 New Clothing _____
 Personal Grooming _____
 Other - Allowances _____

Other Debts	Bal.	Mo. Pmt.	Last 2
	\$	\$	H/W
	\$	\$	H/W
	\$	\$	H/W
	\$	\$	H/W

TOTALS PER MONTH

Subtotal Expenses _____
 Subtotal Debt Payments _____
 TOTAL EXPENSES _____
 TOTAL NET INCOME _____
 BALANCE _____

Debt Schedule – Fixed and Other Debt

	Creditor	Debtor (H,W,J)	Marital/ Separate	Monthly Payment	Balance at Separation	Amt. Paid Since Separated	Present Balance	Who Paid	Husband Wants % or \$	Wife Wants % or \$
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										

Total Marital Debt \$ _____ Husband-Separate \$ _____ Wife-Separate \$ _____

Civil No. _____ Submitted by: _____

Ninth Circuit *Pendente Lite* Guidelines Worksheet

Style _____ v. _____

Civil No. _____

A. Basic Information

(NOTE: All numbers are per month)

	Mother/ Wife	Father/ Husband
1. Monthly gross income	\$ _____	\$ _____
2. Combined gross income \$ _____	_____ %	_____ %
3. Number of children _____		
4. Mortgage/Rent	\$ _____	\$ _____
5. Car payments	\$ _____	\$ _____
6. Work-related childcare	\$ _____	\$ _____
7. Healthcare premium for children	\$ _____	\$ _____
8. Basic guideline child support \$ _____		

B. Spousal Support

1. Payor spouse's monthly gross income	\$ _____
2. Payee spouse's monthly gross income	\$ _____
3. Payor spouse's gross income x 30% (28% with children)	\$ _____
4. Payee spouse's monthly gross income x 58% (50% if no children)	\$ _____
5. Guideline monthly spousal support (B3 minus B4; if negative number, support is zero)	\$ _____

C. Child Support

1. Payor spouse's gross income (B1) less spousal support (B5) and percentage of combined gross income (C1 ÷ A2)	\$ _____ %
2. Payee spouse's gross income (B2) plus spousal support (B5) and percentage of combined gross income (C2 ÷ A2)	\$ _____ %
3. Basic child support	\$ _____
4. Cash medical expenses	\$ _____
5. Work-related childcare costs	\$ _____
6. Health insurance premium for children	\$ _____ \$ _____
	Mother/ Wife Father/ Husband
7. Child support obligation of each party	\$ _____ \$ _____
8. Direct payment of health insurance by payor	\$ _____ \$ _____
9. Presumptive guideline share	\$ _____ \$ _____

10. Guideline child support payable by noncustodial parent _____ to _____ \$ _____
11. Proposed adjustments to guideline support
 _____ \$ _____ (W) \$ _____ (H)
12. Each party's proposed share \$ _____ (W) \$ _____ (H)
13. Proposed adjusted child support \$ _____

D. Adjustments for Family Debt

1. Total family debt (A4 + A5) \$ _____
2. Husband's portion of family debt (amount he pays) \$ _____
3. Wife's portion of family debt (amount she pays) \$ _____
4. Adjusted gross income
- a. Husband's gross income after payment/receipt of spousal support and child support (A1 ± B5 ± C10) \$ _____
- b. Wife's gross income after payment/receipt of spousal support and child support (A1 ± B5 ± C10) \$ _____
- c. Husband's percentage of adjusted gross income (D4a ÷ A2) _____ %
- d. Wife's percentage of adjusted gross income (D4b ÷ A2) _____ %

5. Family debt pro-ration

- a. Husband (D4c) _____ x (D1) _____ = \$ _____
- b. Wife (D4d) _____ x (D1) _____ = \$ _____

6. Family debt adjustment

- a. Husband (D5a) _____ - (D2) _____ = \$ _____
- b. Wife (D5b) _____ - (D3) _____ = \$ _____

E. Summary	Spousal Support	H to/from W	\$ _____
	Child Support	H to/from W	\$ _____
	Family Debt Adjustment *	H to/from W	\$ _____
	Net Payment	H to/from W	\$ _____

I certify that the factual information provided above is correct.

COMMONWEALTH OF VIRGINIA _____

City/County of _____, to-wit:

Sworn and subscribed to by _____ this _____ day of _____, 20____.

 Notary Public My Commission expires: _____

* Contributions toward family debt shall be deemed in the nature of support.

NOTE: This completed worksheet shall be filed with the Court with a copy to the other party three (3) business days in advance of the *pendente lite* hearing.

PROPERTY INVENTORY

Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
REAL PROPERTY												
1												
2												
3												
4												
PERSONAL PROPERTY												
A. Motor Vehicles, Boats, Trailers												
1												
2												
3												
4												
5												
6												
B. Stocks, Bonds, and Other Investments												
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												

Total Marital Equity \$
Submitted by:

Husband—Separate \$
Civil No:

Wife—Separate \$

PROPERTY INVENTORY—continued

Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
C. Appraised Jewelry, Antiques, or Valuable Collections												
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
D. Savings Accounts												
1												
2												
3												
4												
E. Life Insurance (cash value)												
1												
2												
3												
4												
5												

Total Marital Equity \$ _____ Husband—Separate \$ _____ Wife—Separate \$ _____
Submitted by: _____ Civil No: _____

Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
F. Household Furnishings in Dispute												
1												
2												
3												
4												
G. Other												
1												
2												
3												
4												

Pension Schedule

H. Description of Pension and Payor	Initial Service Date	Date of Marriage	Date of Separation	Expected Monthly Annuity	Marital Share Formula	Husband Wants % or \$	Wife Wants % or \$	Ordered
1								
2								
3								
4								
5								
6								

Marital Share Formula - Number of months of pension accrual during marriage divided by the total number of months of pension accrual.

Monthly Annuity - Monthly annuity which annuitant would expect if he/she could retire now based on current pay rate/grade and benefit schedule. Set forth age at which paid. *Designate Age to Receive.

Total Marital Equity \$ _____ Husband—Separate \$ _____ Wife—Separate \$ _____
Submitted by: _____ Civil No: _____

Summary of Party's Claim to Marital and Mixed Property

Party's Name: _____
Civil No. _____

PROPERTY CATEGORY	TOTAL VALUE	I WANT		COURT FINDING
REAL PROPERTY		%	\$	
PERSONAL PROPERTY				
A. Motor Vehicles, Boats, Trailers		%	\$	
B. Stocks, Bonds, and Other Investments		%	\$	
C. Appraised Jewelry, Antiques, or Valuable Collections		%	\$	
D. Savings Accounts		%	\$	
E. Life Insurance (Cash Value)		%	\$	
F. Household Furnishings in Dispute		%	\$	
G. Other		%	\$	
H. Pensions		%	\$	
TOTAL		%	\$	

Husband/Wife Signature

§ 20-107.3 PROFFER OF _____
Civil No. _____

PURSUANT TO VIRGINIA CODE § 20-107.3, DESCRIBE:

- 1. My contributions, monetary and nonmonetary, to the well-being of the family.**

- 2. My contributions, monetary and nonmonetary, in the acquisition and care and maintenance of the marital property of the parties.**

- 3. The duration of the marriage.**

- 4. My age and physical and mental condition.**

Husband/Wife

5. **The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce under the provisions of subdivisions (1), (3) or (6) of § 20-91 or § 20-95.**

6. **How and when specific items of the marital property were acquired. SEE ATTACHED PROPERTY INVENTORY AND PENSION SCHEDULES.**

7. **The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which may serve as security for such debts and liabilities. SEE DEBT SCHEDULE AND PROPERTY INVENTORY.**

8. **The liquid or nonliquid character of all marital property. PLEASE SUMMARIZE FROM SCHEDULES.**

9. **My tax consequences.**

Husband/Wife

10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties.
11. Such other factors as may be necessary for the Court to consider in order to arrive at a fair and equitable monetary award.

Husband/Wife

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this _____ day
of _____, _____.

Notary Public

My commission expires:

§ 20-107.1 PROFFER OF _____
Civil No. _____ (filed on or after July 1, 1998)

A. STATE THE CIRCUMSTANCES AND FACTORS WHICH CONTRIBUTED TO THE DISSOLUTION OF THE MARRIAGE AND THE GROUNDS FOR DIVORCE.

B. IF YOU ARE REQUESTING AN AWARD OF SPOUSAL SUPPORT:

1. State the amount of support you believe the court should award and state whether the award should be in the form of periodic payments for a defined duration, periodic payments for an undefined duration, a lump sum or a combination thereof. If you believe the award should be for a defined duration, state the length of the duration that you are requesting the court to order.
2. State whether you are requesting that the court reserve your right to receive spousal support in the future.

C. IF YOUR SPOUSE IS REQUESTING AN AWARD OF SPOUSAL SUPPORT:

1. State the amount of support you believe the court should award and state whether the award should be in the form of periodic payments for a defined duration, periodic payments for an undefined duration, a lump sum or a combination thereof. If you believe the award should be for a defined duration, state the length of the duration that you are requesting the court to order.

Husband/Wife

- 1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature. (You may attach the income and expense statement and other relevant exhibits from § 20-107.3 Proffers.)**
- 2. The standard of living established during the marriage.**
- 3. The duration of the marriage.**
- 4. The age and physical and mental condition of the parties and any special circumstances of the family.**

Spousal Support § 20-107.1 (7/1/98 or after)

5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home.
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family.
7. The property interests of the parties, both real and personal, tangible and intangible.
8. The provisions made with regard to the marital property under § 20-107.3. (Attach equitable distribution summary form.)

Husband/Wife

- 9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity.**
- 10. The opportunity, for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability.**
- 11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market.**

Husband/Wife

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party.

13. Such other factors, including the tax consequences to each party, as are necessary to consider the equities between the parties.

Husband/Wife

STATE OF VIRGINIA

CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this _____ day
of _____, _____. My commission expires _____.

Notary Public

20-107.1 (Factor 8)
EQUITABLE DISTRIBUTION SUMMARY

v.

	Husband Marital Property		Wife Marital Property		Income Produced ±	Husband Debt Allocated	Wife Debt Allocated
Real Property	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
Personal Property	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
A. Motor Vehicles, Boats, Trailers	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
B. Stocks, Bonds, and Other Investments	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
C. Appraised Jewelry, Antiques, or Valuable Collections	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
D. Savings Accounts	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
E. Life Insurance (Cash Value)	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
F. Household Furnishings	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
G. Other	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
H. Pensions	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
TOTAL	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Total Per Mo. \$ _____ Total Balance \$ _____	Total Per Mo. \$ _____ Total Balance \$ _____

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

_____, Plaintiff,)
)
v.) Case No. _____
)
_____, Defendant.)

PENDENTE LITE ORDER
(child support, spousal and child support)

THIS DAY came oPlaintiff, o with o without counsel, and o Defendant, o with o without counsel, o pursuant to notice properly served o by agreement, and the court having heard evidence *ore tenus* and by stipulation and proffer, hereby orders as follows:

Pursuant to Virginia Code §20-103:

NAME	DATE OF BIRTH	RELATIONSHIP	SSN
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

o are entitled to support from o Plaintiff o Defendant.

o Custody of the said child(ren) is awarded to o Plaintiff o Defendant, **OR**

o both parties jointly, o with primary physical custody to o Plaintiff o Defendant,

o with reasonable rights of visitation upon reasonable notice reserved unto o Plaintiff o Defendant. **OR**

o as set forth in Exhibit _____ attached hereto and made a part hereof.

As a condition of custody or visitation, thirty days' advance written notice must be given to the Court and the other party by any party intending to relocate and of any intended change of address.

It is further ADJUDGED, ORDERED and DECREED:

o Plaintiff o Defendant is to pay to the o Plaintiff o Defendant the sum of \$ _____ per month for the support and maintenance for the infant child or children. The sum of \$ _____ is assessed for any full and partial months between the effective date and the date the first monthly payment is due.

o The first monthly payment shall be due on the _____ day of the month of _____, 200__ and is due on the _____ day of the month thereafter. **OR**

o The parties agree that payments may be made by the payor party to coincide with such payor's paychecks, with payments in the amount of \$ _____ to begin on _____ and to continue on the _____ day of each week/month thereafter.

Payments shall continue to be paid until the child reaches the age of eighteen or until further order of this Court. Said support shall continue to be paid for any child over the age of eighteen who is (i) a full-time high school student, (ii) not self-supporting and (iii) living in the home of the parent seeking or receiving child support until such child reaches the age of nineteen (19) or graduates from high school, whichever first occurs.

The amount of child support which would result from the application of the Child Support Guidelines (filed herein) and marked Exhibit _____ is \$ _____.

☐ The child support ordered herein is not pursuant to the Guidelines provided in §20-108.2 because the application of the Guidelines would be unjust or inappropriate in this case as determined by relevant evidence pertaining to the factors set forth in §20-108.1:

☐ the amount of child support has been agreed upon by the parties;

☐ other: _____

☐ Plaintiff ☐ Defendant is to pay to the ☐ Plaintiff ☐ Defendant the sum of \$_____, per month for temporary spousal support and maintenance. Said payments are to begin _____ and shall continue on the _____ day of each month thereafter until further order of this Court;

☐ Pursuant to Virginia Code §20-108.1 D., ☐ Plaintiff ☐ Defendant

☐ shall maintain all existing life insurance policies on his or her life and

☐ designate the child(ren) of the parties as the beneficiary of ☐ all ☐ \$_____ of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child(ren).

☐ Pursuant to Virginia Code §20-108.1 E., ☐ Plaintiff ☐ Defendant shall execute all appropriate tax forms or waivers to grant to ☐ Plaintiff ☐ Defendant the right to take the income tax dependence exemption parties for federal and state income tax purposes for ☐ the current tax year ☐ and all future years, for ☐ (#) child/ren **OR** ☐ all children of the parties.

Pursuant to Virginia Code §20-79.2:

☐ Support payments are to be made by Income Withholding Order.

☐ By agreement of the parties, as shown by their endorsement to this Order, support payments are to be made by the payor directly to the payee without an Income Withholding Order.

☐ Good cause has been shown for not imposing immediate withholding and income withholding.

☐ Plaintiff ☐ Defendant is to have the temporary exclusive possession of the marital home located at _____, and the contents thereof,

☐ except as follows: _____

☐ Plaintiff ☐ Defendant is to pay the mortgage payment (including taxes and insurance, if applicable) on the marital home until further order of this Court.

☐ Plaintiff ☐ Defendant shall pay \$_____ attorney's fees to counsel for ☐ Plaintiff ☐ Defendant.

☐ Both parties are hereby enjoined and restrained from bothering or harassing each other in any oppressive fashion.

☐ Both parties are hereby enjoined and restrained from disposing of or dissipating the marital assets without permission of the other party.

Pursuant to Virginia Code §20-60.3:

1. If known, the name, date of birth, and social security number of each parent of the child(ren) and, if different and if known, the name, date of birth and social security number of the person responsible for support and, unless otherwise ordered, the current address and place of employment of each such parent or responsible person are as follows:

MOTHER

Name:

Date of Birth:

SSN (last 4): XXX-XX-____*

FATHER

Name:

Date of Birth:

SSN (last 4): XXX-XX-____*

Driver's License #: *

Current Address and Residence Telephone

Employer Name, Address & Telephone:

Driver's License #: *

Current Address and Residence Telephone:

Employer Name, Address & Telephone:

☐ A protective order has been issued or the court finds reason to believe that a party is at risk of physical or emotional harm from the other party, and therefore the above information pertaining to the ☐ Plaintiff ☐ Defendant need not be disclosed.

2. ☐ No provision for health care coverage is ordered *OR*

☐ Plaintiff ☐ Defendant is required to maintain spouse on hospitalization coverage until entry of a Final Decree of Divorce.

☐ Plaintiff ☐ Defendant is required to maintain health care coverage for dependent children pursuant to §§20-108.1 and 20-108.2. The name of the health care plan is _____; and the policy number is: *.

☐ Plaintiff shall pay _____% and ☐ Defendant shall pay _____% of any uninsured medical and dental bills, and shall include but not be limited to eyeglasses, prescription medication, prosthesis and mental health services whether provided by a social worker, psychologist, psychiatrist or counselor, incurred for the child(ren) commencing _____.

☐ Plaintiff ☐ Defendant shall ☐ pay ☐ reimburse to ☐ Plaintiff ☐ Defendant extraordinary medical expenses pursuant to subsection D and subsection G3 of §20-108.2 in the following manner:

3. ☐ There are no child or spousal support arrearages at this time. *OR*

☐ Child support arrearages exist as of _____ in the sum of \$ _____ covering the period of _____. ☐ Plaintiff ☐ Defendant is to pay \$ _____ to the ☐ Plaintiff ☐ Defendant \$ _____ per month beginning on _____ until said arrearage is paid in full.

☐ Spousal support arrearages exist as of _____ in the sum of \$ _____ covering the period of _____. ☐ Plaintiff ☐ Defendant is to pay \$ _____ to the ☐ Plaintiff ☐ Defendant \$ _____ per month beginning on _____ until said arrearage is paid in full.

If support arrearages accumulate, all payments are to be credited to current support obligations first, with any payment in excess of the current obligations applied to arrearages. All support arrearages are subject to interest at the legal rate until fully paid.

4. Support payments may be withheld as they become due pursuant to §§ 20-79.1 or 20-79.2, from income as defined in §63.2-1900, without further amendments of this Order or having to file an application for services with the Department of Social Services.

5. Support payments may be withheld pursuant to Chapter 19 (§63.2-1900 *et seq.*) of Title 63.2 without further amendments to this order upon application for services with the Department of Social Services.

6. Notice is hereby given that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth to a person responsible for support as provided in §63.2-1937 upon a delinquency for a period of ninety days or more or in an amount of \$5,000 or more.

(A) ☐ Plaintiff does not currently hold such an authorization. *OR*

☐ Plaintiff does hold such an authorization and is licensed as a: _____.

(B) o Defendant does not currently hold such an authorization. *OR*

o Defendant does hold such an authorization and is licensed as a: _____.

7. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the Court for good cause shown orders otherwise, the parties shall give each other and the Court, and when payments are to be made through the Department of Social Services, Department of Social Services at least thirty (30) days' written notice, in advance, of any change of address and any change of telephone number within thirty days after the change.

8. If child support payments are ordered to be paid through Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his/her current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his/her current employer.

8. If child support payments are ordered to be paid through Department of Social Services, the obligor shall keep the Department of Social Services informed of the any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a the party obligated to provide health care coverage shall keep the other party informed of any changes in the availability of the health care coverage for the minor child or children.

9. The support obligation ordered herein, as it becomes due and unpaid, creates a judgment by operation of law.

10. The Department of Social Services may, pursuant to Chapter 19 (§63.2-1900 *et seq.*) of Title 63.2 and in accordance with §20-108.2 and §63.2-1921, initiate a review of the amount of support ordered by any court.

o Other provisions

**** SEE INFORMATION CONTAINED IN A SEPARATE CONFIDENTIAL ADDENDUM SEALED HEREIN.***

Enter: _____

Judge

Have Seen:

Counsel for Plaintiff

Plaintiff

Counsel for Defendant

Defendant

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

_____, Plaintiff,)
)
v.) Case No. _____
)
_____, Defendant.)

PENDENTE LITE ORDER
(no minor children)

THIS DAY came o Plaintiff, o with o without counsel, and o Defendant, o with o without counsel, o pursuant to notice properly served o by agreement, and the court having heard evidence *ore tenus* and by stipulation and proffer, hereby orders as follows:

Pursuant to Virginia Code §20-103:

o Plaintiff o Defendant is to pay to the o Plaintiff o Defendant the sum of \$_____, per month for spousal support and maintenance. Said payments are to begin _____ and shall continue on the _____ day of each month thereafter until further order of this Court, or until the death of either party;

o Plaintiff o Defendant is to have the temporary exclusive possession of the marital home located at _____, and the contents thereof,

o except as follows: _____
_____.

o Plaintiff o Defendant is to pay the mortgage payment (including taxes and insurance, if applicable) on the marital home until further order of this Court.

o Plaintiff o Defendant shall pay \$_____ attorney's fees to counsel for o Plaintiff o Defendant.

o Both parties are hereby enjoined and restrained from bothering or harassing each other in any oppressive fashion.

o Both parties are hereby enjoined and restrained from disposing of or dissipating the marital assets without permission of the other party.

Pursuant to Virginia Code §20-107.1:

1. If known, name, date of birth, and social security number of each party and, unless otherwise ordered, each party's residential address, and if different, mailing address, residential and employer telephone number, driver's license number, and name and address of his/her employer:

o Plaintiff

Name:

Date of Birth:

SSN (last 4): XXX-XX-____ *

Driver's License #: *

o Defendant

Name:

Date of Birth:

SSN (last 4): XXX-XX-____ *

Driver's License #: *

o Plaintiff

Current Address & Residence Telephone:

Employer Name, Address & Telephone:

o Defendant

Current Address & Residence Telephone:

Employer Name, Address & Telephone:

o A protective order has been issued or the court finds reason to believe that a party is at risk of physical or emotional harm from the other party, and therefore the above information pertaining to o Plaintiff o Defendant need not be disclosed.

2. o No provision for health care coverage is ordered. **OR**

o Plaintiff o Defendant is required to maintain spouse on hospitalization coverage until entry of a Final Decree of Divorce.

3. o There are no spousal support arrearages at this time. **OR**

o Spousal support arrearages exist as of _____ in the sum of \$ _____ covering the period of _____. o Plaintiff o Defendant is to pay \$ _____ to the o Plaintiff o Defendant \$ _____ per month beginning on _____ until said arrearage is paid in full.

4. If support arrearages accumulate, all payments are to be credited to current support obligations first, with any payment in excess of the current obligations applied to arrearages. All support arrearages are subject to interest at the legal rate until fully paid.

5. The parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change.

6. The support obligation ordered herein, as it becomes due and unpaid, creates a judgment by operation of law.

o Other provisions

*** SEE INFORMATION CONTAINED IN A SEPARATE CONFIDENTIAL ADDENDUM SEALED HEREIN.**

Enter:

Judge

Have Seen:

Counsel for Plaintiff

Plaintiff

Counsel for Defendant

Defendant

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

_____, Complainant,
v. _____, Respondent. Civil No. _____

ORDER OF REFERRAL TO PARENT EDUCATION SEMINAR

☐ Pursuant to § 20-103, _____ and _____, parents of a child or children whose custody, visitation or support is contested OR uncontested and the Court finds good cause, are ordered to attend and complete an educational seminar or other like program conducted by Peaceful Pathways (757) 564-0977, or other such program conducted by a qualified person or organization approved by the Court, on the effects of separation or divorce on minor children, parenting responsibilities, options for conflict resolution and financial responsibilities to be completed by _____.
(date)

A list of alternative parent education programs available in this community with contact information is provided as part of this order.

Based on a parent's ability to pay, each parent shall be responsible for paying a fee of no more than \$50.00 (fifty dollars) for the seminar. The fee is payable to the program.

Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement by a party in such seminar or program shall be admissible into evidence in any subsequent proceedings.

The Court requires a certificate of completion to be filed by each parent within seven (7) days after above referenced date.

IT IS THE PARTIES' RESPONSIBILITY TO CONTACT THE PROGRAM.

☐ _____ and _____, are exempt from attendance at the parent education seminar for good cause shown as follows:

ENTER: _____

Judge

PEACEFUL PATHWAYS, INC.

Pathways Through Separation and Divorce

Diane Gilbert

P.O. Box 545

Williamsburg, VA 23187

(757) 564-0977 (voice)

(757) 564-9173 (fax)

presented at: York/ Poquoson

Courthouse

Courtroom 5

PENINSULA MEDIATION CENTER

48 West Queens Way

Hampton, VA 23669

(757) 722-1228

presented at: 2244 Executive Drive

Hampton, VA

EASTERN STATE AND PENINSULA MEDIATION CENTER

Parents Forever

Laurie Dallieslager

(757) 253-4452

SOCIAL SERVICES

5249 Olde Towne Road

Williamsburg, VA 23188

(757) 259-3152

VIRGINIA COOPERATIVE EXTENSION SERVICE

Doris B. Heath

P. O. Box 69

Toano, VA 23168

(757) 566-1367

(757) 566-8413 (fax)

VIRGINIA: IN THE YORK COUNTY – POQUOSON CIRCUIT COURT

_____, Plaintiff

v.

Civil No. _____

_____, Defendant

MOTION AND ORDER TO RESTORE NAME

THIS DAY came the ☐ Plaintiff ☐ Defendant _____
☐ with ☐ without counsel, and moved the Court to allow the use of a former name or maiden name upon entry of a Final Decree of Divorce. ☐ Plaintiff ☐ Defendant's current address is: _____,

AND it appearing to the Court that it is proper to do so, the Court ORDERS that the Motion of the ☐ Plaintiff ☐ Defendant be granted and the former name or maiden name of the ☐ Plaintiff ☐ Defendant, _____, is hereby restored to _____, and that the Clerk of this Court shall forthwith spread this Order upon the current deed book of his/her office, indexing the Order in both the name of _____ and _____; and shall otherwise comply with all provisions of §20-121.4 of the Code of Virginia 1950 as amended; and

It is hereby further ORDERED that this Order be entered forthwith and this cause be ☐ continued ☐ removed from the docket of this Court.

ENTER this ____ day of _____, 200__.

Judge

We ask for this:

☐ Plaintiff ☐ Defendant

Counsel for ☐ Plaintiff ☐ Defendant

Have seen:

☐ Plaintiff ☐ Defendant

Counsel for ☐ Plaintiff ☐ Defendant

**ADDENDUM FOR PROTECTED
IDENTIFYING INFORMATION—
CONFIDENTIAL**

Commonwealth of Virginia

Case No.

In the Circuit Court of the ☐ City ☐ County of

..... V.

This addendum is filed with and incorporated by reference in the document(s) indicated below, from which the protected identifying information contained herein has been removed by the attorney or party whose signature appears below. This addendum shall be used to distribute such information only as required by law, and may be made available only to the parties, to their attorneys, and to other person(s) as the court may allow.

☐ Complaint ☐ Petition ☐ Motion ☐ Order ☐ Decree ☐ Other Pleading:

☐ Agreement(s) of the Parties ☐ Transcripts ☐ Other:

.....
PARTY NAME (LAST, FIRST, MIDDLE)

.....
PARTY NAME (LAST, FIRST, MIDDLE)

.....
ADDRESS

.....
ADDRESS

.....
SOCIAL SECURITY NUMBER

.....
DATE OF BIRTH

.....
SOCIAL SECURITY NUMBER

.....
DATE OF BIRTH

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.

.....
CHILD NAME (LAST, FIRST, MIDDLE)

.....
SOCIAL SECURITY NUMBER

.....
DATE OF BIRTH

.....
CHILD NAME (LAST, FIRST, MIDDLE)

.....
SOCIAL SECURITY NUMBER

.....
DATE OF BIRTH

Attach additional sheet(s) for other information, as needed.

.....
DATE

.....
☐ PARTY

.....
☐ ATTORNEY

.....
PRINT NAME

.....
ADDRESS /TELEPHONE NUMBER OF SUBSCRIBER